IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.294 OF 2006

Electronica Securities Pvt. Ltd. .. Petitioners.
Vs.
State of Maharashtra & Anr. .. Respondents.

WITH

CRIMINAL WRIT PETITION NO.346 OF 2006

Shrikant Bhaskar Deo .. Petitioner.
Vs.
State of Maharashtra & Anr. .. Respondents.

WITH

CRIMINAL WRIT PETITION NO.612 OF 2006

Chandrashekar Rajaram Paranjpe .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

Mr.K.L.Ganesha i/b N.R.Rao & Suraj Kalalkar WP No.294/06. Mr.A.P.Mundargi i/b Niranjan Mundargi in WP No.346/06 and Mr.Parag Shelke i/b Mr.T.D.Deshmukh in WP no.612/06 for the petitioners.

Mrs.M.M.Deshmukh A.P.P. for the State in all matters.

CORAM : D.B.BHOSALE, J.

DATED : 3RD JULY, 2006

P.C.:

. Heard learned counsel for the parties.

2. All the three writ petitions are directed against the order passed by the Sessions Court dated 25.8.2005 passed in Criminal Revision Applications bearing Nos.279/2002, 289/2002 and 396/2002. By that

order the revisions filed by the petitioners came to be dismissed.

3. Writ Petition No.346/06 filed by Shrikant Bhaskar Deo and writ petition No.612/06 filed by Chandrashekar Rajaram Paranjpe, original accused are directed against the order of the Sessions Court rejecting their applications seeking discharge whereas writ petition no.294/06 is of the complainant challenging the order of discharge passed against accused no.3 - Jayant Prabhakar Patankar.

4. It appears that before the Sessions Court an application dated 6.9.2005 was filed by the complainant seeking permission of the Court to compound the offence. In that application the complainant had specifically averred that all the petitioners have approached the company and agreed to pay to the company in the following manner:

> "(a) Mr.C.R.Paranjpe has agreed to pay Rs.4,00,000/- by D.D. to the Company.
>
> (b) Mr.Jayant Patankar has agreed to pay Rs.2,75,000/- to the Company by D.D. and
>
> (c) Mr.Shrikant Deo has agreed to pay by D.D. Rs.6,00,000/- to the Company."

5. The further averments in the said application are also relevant which reads thus:

> . "The company is concerned with monitory loss. The accused were working with the company who have no criminal antecedents. Each of the aforesaid three Accused is ready to pay to the Company as aforesaid in case each of the 3 aforesaid persons is discharged or acquitted. The Company has considered the offer of the three Accused persons and have agreed to accept it hence this NOC.
>
> The Company - Electronica Securities Pvt. Ltd., therefore, has no objection to allow this revision and to discharge the revision applicant by settling aside the order of frame charge passed by the Learned Trial Court."

6. Though that application was filed before the Additional Sessions Judge he could not take its cognizance since the alleged offence under section 120-B, 420, 468, 471, 109 r/w 34 of I.P.C. are non compoundable. The learned Judge, therefore, proceeded to decide the revision on merits. It is against this backdrop the present petitioners have approached this court seeking discharge mainly on the ground that the parties have amicably settled the dispute and that the complainant did not propose to prosecute the case further. The complainant and both the petitioner-accused are present in the Court. The representative of the complainant - Mukund Dhare, General Manager states that they have already received the amount mentioned in the aforesaid clauses (a), (b) and (c) by demand draft and hence they do not propose to prosecute the complaint any further.

7. Keeping in view the law laid down by the Apex Court in **B.S.Joshi and Others Vs. State of Haryana (2003) 4 SCC 675** and considering the overall facts and circumstances of the case, in my opinion, this is a fit case to exercise inherent powers to quash the proceedings in criminal case bearing R.C.C.No.228/2000 pending on the file of J.M.F.C. (AC) Pune arising out of C.R.No.88/2000 registered at Deccan Gymkhana police, since the parties have settled the dispute amicably and now they do not have any grievance whatsoever against each other. Order accordingly,

8. Similarly, the complaint under section 138 of the Negotiable Instruments Act filed against the petitioner - Chandrakant Paranjpe by the same complainant has also been compounded. They placed on record the consent terms duly signed by the parties and their respective advocates. The consent terms are taken on record and marked "X" for identification. In the circumstances Regular C.C. No.1614/03 under section 138 pending before the Judicial Magistrate, First Class (AC) Pune filed by respondent no.4 - company also stands disposed of as compounded by the parties. The petitions are, accordingly, disposed of.

(D.B.Bhosale, J.)